

Application № 10/658,578
Reply to Office Action of October 5, 2007

REMARKS / ARGUMENTS

The present application includes pending claims 1-28. Claims 1, 10, and 19 have been rejected. Claims 2-9, 11-18, and 20-28 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1, 10, and 19 have been amended. Claims 2-9, 11-18, and 20-28 have been cancelled. New claims 29-53 have been entered. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 1, 10 and 19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Newberg, et al., US Patent Publication № 2002/0093983 ("Newberg"). The Applicant respectfully traverses these rejections at least based on the following remarks.

REJECTION UNDER 35 U.S.C. § 102

I. Newberg Does Not Anticipate Claims 1, 10, and 19

The Applicant first turns to the rejection of claims 1, 10, and 19 under 35 U.S.C. 102(e) as being anticipated by Newberg. With regard to the anticipation rejections under 102(b), MPEP 2131 states that "[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See Manual of Patent

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Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See id. (internal citation omitted).

A. Rejection of Independent Claims 1, 10, and 19 under 35 U.S.C. § 102 (e)

With regard to the rejection of independent claims 1, 10, and 19 under 35 U.S.C. § 102(e), the Applicant submits that Newberg does not disclose or suggest at least the limitation of “reserving bandwidth for one or more of a first access device, a first access point and/or a first switch, wherein said reserving of said bandwidth is based on a device hierarchy established within the hybrid wired/wireless local area network,” as recited by the Applicant in independent claim 1.

Newberg discloses the following:

The management device converts the received application requirements into channel requirements. That is, the management device converts the application requirements to the availability and data rate for the channel, for example, a number of slots for transmission of this data per second available on a wireless channel. After the channel requirements are determined, the management device determines whether the existing channel, including existing loading, can accommodate the requested channel requirements. If the requested bandwidth is available, the bandwidth is allocated to the requesting device and the device is notified that communications may proceed.

See Newberg at ¶ 0013. In this regard, the management device of Newberg

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converts any application requirements into channel requirements, and determines whether the existing channel can accommodate these channel requirements, including the necessary bandwidth. **If the bandwidth can be accommodated, then the bandwidth is allocated to the requesting device, regardless of the type of device and regardless of any device hierarchy within Newberg's communication network.** In this regard, Newberg does not disclose or suggest "said reserving of said bandwidth is based on a device hierarchy established within the hybrid wired/wireless local area network," as recited in Applicant's claim 1.

Accordingly, independent claim 1 is not anticipated by Newberg and is allowable. Independent claims 10 and 19 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 10 and 19 are also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 1.

II. New Claims 29-53

Claims 2-9, 11-18, and 20-28 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicant has entered new claims 29-53, which correspond to the objected to claims 2-9, 11-18, and 20-28. The objected to claims 2-9, 11-18, and 20-28 have been cancelled. The Applicant submits that new claims 29-53, as well as claims 1,

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10, and 19, are allowable.

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CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1, 10, 19, and 29-53 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and request that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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